

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

(1) C.L. FRATES & COMPANY, an)
Oklahoma corporation,)
Plaintiff,)
v.) Case No. CIV-2011-1020-L
(2) WESTCHESTER FIRE INSURANCE)
COMPANY, a Pennsylvania corporation,)
Defendant.)

NOTICE OF APPEAL

Notice is hereby given that Defendant, Westchester Fire Insurance Company, in the above named case hereby appeals to the United States Court of Appeals for the Tenth Circuit from the order filed on October 4, 2012 and the judgment filed on October 10, 2012.

By: s/Thomas Rowe Kendrick
Thomas Rowe Kendrick, OBA # 17760
DURBIN LARIMORE & BIALICK
920 North Harvey
Oklahoma City, OK 73102-2610
Phone: (405) 235-9584 Fax: (405) 235-0551
tkendrick@dlb.net
-and-
Joseph K. Powers (pro hac vice)
SEDGWICK LLP
225 Liberty Street, 28th Floor
New York, NY 10281-1008
Phone: (212) 422-0202 Fax: (212) 422-0925
joseph.powers@sedgwicklaw.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of October, 2012, I electronically transmitted the above document to the Clerk of the Court using ECF System for filing. Bases on records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Ryan S. Wilson
Elizabeth A. Price
HARTZOG CONGER CASON & NEVILLE
201 Robert S. Kerr, Suite 1600
Oklahoma City, Oklahoma 73102
rwilson@hartzoglaw.com
eprice@hartzoglaw.com
ATTORNEYS FOR PLAINTIFF

s/Thomas Rowe Kendrick
Thomas Rowe Kendrick